

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NORTH CAROLINA
WESTERN DIVISION
No. 5:09-CR-159-BO

UNITED STATES OF AMERICA)

v.)


DEMETRIUS MARQUET JOYNER)

ORDER

This cause comes before the Court on defendant's motion for early termination of supervised release and to have his sentence run concurrently. [DE 59]. At the time defendant filed the instant motion he was serving a state sentence of thirty-five to fifty-eight months, *see* [DE 61], and defendant requested that his term of supervised release be permitted to run while serving his state sentence, or alternatively that any supervised release revocation sentence be imposed concurrent to his state sentence.

At the outset, the Court notes that defendant is not entitled to the relief he seeks in his motion. *See* 18 U.S.C. § 3624(e) (supervised release term does not run during period of imprisonment for federal, state, or local crime unless imprisonment is for less than thirty days); U.S.S.G. § 7B1.3(f) (term of imprisonment for supervised release revocation shall be imposed consecutive to term of imprisonment defendant is serving). However, on June 20, 2018, while the instant motion was pending, the Court granted a motion for revocation of defendant's term of supervised release, [DE 70, 71], and the Court imposed a sentence of time served and terminated defendant's period of supervision. Accordingly, the motion for early termination of supervised release [DE 59] is DENIED AS MOOT.

SO ORDERED, this 7 day of September, 2018.


TERRENCE W. BOYLE
UNITED STATES DISTRICT JUDGE